

Torrey Town Board Public Hearing  
November 11, 2008

The regular monthly meeting and Public Hearings for Time Warner Franchise and Local Law 4-08 Creating a Procedure for PUD's held on November 11, 2008 at the Town Hall 56 Geneva Street, Dresden was called to order at 7:30PM by Supervisor Flynn.

Present: Patrick Flynn, Burge Morris, John Ghidiu, Linda Francisco  
Absent due to scheduling conflict- John Martini

Others Present: Rick Willson, Tim Dennis Legislators, Linda Lefko, Jack Hessney, Dave Granzin, Elaine Thiesmeyer – Planning Board, Marty Gibson, JM Cougevan, Tony Cannizzaro – Zoning Board, Ron Kenville Code Officer, 15 resident & guests

Supervisor Flynn led the pledge of allegiance.

The abstracts of vouchers were presented for audit.

Motion by Mr. Francisco 2<sup>nd</sup> Mr. Morris that the bills on the General A & B Accounts in the amount of \$ 25,723.73 be paid carried by all.

Motion by Mr. Morris, 2<sup>nd</sup> Mrs. Francisco, that the bills on the Highway DA & DB Accounts in the amount of \$ 23,629.79 be paid, carried by all.

Motion by Mrs. Francisco, 2<sup>nd</sup> Mr. Ghidiu, that the final Installment to the Fire Protection in the amount of \$ 42,104.00 be paid, carried by all.

Motion by Mr. Morris 2<sup>nd</sup> Mrs. Francisco, that the bills on the Watershed SD Account in the amount of \$ 132.72 be paid, carried by all.

Motion by Mrs. Francisco, 2<sup>nd</sup> Mr. Morris, to approve the minutes of the Oct. 14<sup>th</sup> and 29<sup>th</sup> meetings, carried by all.

Mr. Flynn opened the public hearing on the Time Warner Cable Franchise. Chris Mueller a agent of Time Warner gave an overview of the franchise agreement and area.

Tom Prejean inquired if cable would be installed south on Rote 14 and was told not at this time.

Mr. Mueller listed Anthony Road, Anthony Beach, Elmira, Houston, Flint, Arrowhead Beach, Route 54 to Moore Road, and Seneca Street west of railroad tracks for project area. He said that Route 54 line should be operational barring unforeseen issues around January 09. He informed audience that the maps of the service area are available for inspection at the Town Clerks Office.

Mr. Ghidiu asked what the length of commitment on the contract and what notification would the Town have for renewal.

Mr. Mueller stated that the contract is for Fifteen (15) years and requires 36 month notification prior to expiration.

Mr. Flynn stated the Town Attorney advised that section 1.9 be amended to read, with the Exclusion of the Village of Dresden.

Mr. Mueller will make the change and send the new contracts.

With no others wishing to be heard Mr. Flynn closed the hearing at 7:50 PM  
The following resolution was offered by Mr. Morris, 2<sup>nd</sup> Mr. Ghidiu, authorizing the Supervisor to sign a Franchise Agreement with Time Warner Cable Television with the above noted changes to Section 1.9.

WHEREAS, This Town Board did meet at the time and place specified in the nature of the public hearing on the Certificate of Confirmation for Cable Television Franchise with Time Warner and every person interested was heard thereof,

THEREFORE BE IT RESOLVED, the Town of Torrey Supervisor is authorized to sign into an agreement between the Town of Torrey and Time Warner for a Certificate of Confirmation for Cable Television Franchise.

Adopted by roll call vote- 4-0

**Flynn Aye Francisco Aye, Morris Aye, Ghidiu Aye, Martini Absent**

Motion by Mr. Flynn 2<sup>nd</sup> Mr. Morris to set December 9, 2008 at 7:30 for a public hearing on "A LOCAL LAW AMENDING THE PROVISIONS OF CHAPTER 86 OF THE CODE OF THE TOWN OF TORREY RELATIVE TO THE SENIOR CITIZENS EXEMPTION AND THE ALTERNATIVE VETERANS EXEMPTION" carried.

Motion by Mr. Morris, 2<sup>nd</sup> Mrs. Francisco authorizing the Supervisor to sign an extension to the Assessor Agreement with the Town of Benton for the year 2009, carried.

Motion Mr. Morris, 2<sup>nd</sup> Mr. Flynn to enter into an Inter-municipal Contract between the Village of Dresden and the Town, carried .

**Highway Report** Mr. Mashewske reported paving completed on Serenity and Lone Oak. Highway crew working on tree & brush trimming along town roadway and equipment maintenance. Diesel is \$2.49/gallon last tank refill.

**Correspondence** Mr. Flynn announced land use training forum in Ontario County November 13 & December 4

Zoning and Planning Board members that need training are encouraged to attend.

Mr. Flynn read letter from FL Occupational Health Service which states that the Random Drug Testing contract will not be renewed. Effective 12/31/08

**Water Project** Clerk has had no update from Clough Harbour.

#### **Local Law 04-08.**

Mr Flynn opened the public hearing on the Local Law 04-08 entitled " Procedure for Creating a Planned Unit Development in the Town of Torrey" at 8:00 PM

Steve Eskildsen read a brief statement in opposition of this law. It is not ready, there are issues with: the performance bond Section 3 (3), Shoreline Restriction Section 3 (6) Definition of Primary Structure.

Dan Spence does not agree with the 400' setback feels this must be defined, 400' from what mark. Feels that this setback number be arrived at from a three dimensional standard. He asked if the law would support and encourage green, leed technologies, leed construction

He asks that bullets to be considered; Highwater mark, Set Back, Bi-section.

Colby Peterson inquired as to where the A+ Rating scale came from for the Performance Bonds. He has researched the internet and cannot find such a rating or who establishes it.

Dave Granzin a member of the planning board stated that on page 2 Section 2 under Definitions describes a Primary Structure.

Sam Selwood stated he was on the committee drafting this law, the 400' was determined to be in line with the comprehensive plan.

Jm Cougevan was on the drafting committee, stated due to the previous construction and erosion control problems from past lakefront projects within the Town, this was also a factor taken into consideration determining the 400' setback number. He said a Geotech statement may place the setback farther back yet.

Colby Peterson said erosion can be prevented in many other ways besides the 400' setback Ron Kenville was in opposition to the 400' setback requirement. He stated conforming lots along the lakefront are 100' x 150'.

Fred Eskildsen is in opposition to the 400' Setback, stated bonding is a normal thing on construction sites.

Steve Eskildsen stated due to personal experience a performance bond is difficult to attain.

The Clerk stated at the previous monthly meeting at which the Towns Insurance agent Jim Stork attended he explained that performance bonds are available and the Town should require AA. Mr. Flynn suggested an A+ rating for this law.

Kathleen Bennett, Special Town Counsel stated that performance bonds are the responsibility of the contractor and are required to cover the cost of improvements of project not to cover the town expenses which would be covered under the SEQRA or another law.

Tom Eskildsen stated that Yates County only requires a list of certified bonding agencies and must require a rating.

Jack Hessney opposes the maximum height stipulated at 60' His opinion is that this will make the Town lose its negotiation power with potential developers. He feels height restriction should not be in law.

Dave Granzin stated the planning board decided to include a height restriction in as a guideline for future planning boards to work with.

Ron Kenville agreed that the boards and developers would have a guideline with the restriction.

Kathleen Bennett stated if the PUD Law sets any type of limits a variance would be needed from the Zoning board. Change from the 400' would also need a variance.

Primary Structures definition would be interpreted by the Town Board in a PUD not the Zoning Board.

Tom Eskildsen asked if the 400' setback for primary structure blanket statement could be defined for flexibility such as high density dwelling, low density dwelling leaving the 400' for high density, multi family dwellings.

Discussion regarding lot widths and heights,, Along the lakefront single family dwellings on conforming lots of 100' x 150' would these types be allowed in the PUD with the setback restriction as written.

The timing of the PUD Law was questioned, Kathleen Bennett responded, she stated that the timing is absolutely because when presented with an application for a PUD the current code law does not work. There was no way to work with a developer. This law was not protective of the Town or a developer.

Asked if the Salvation Army ever applied for a PUD, answer was no.

JM stated that this law will protect the Town from a repeat of this type of construction.

Fred Eskildsen asked what was the reason for the 400' said the architecture plans would show the design of the buildings, to keep the major large buildings "ugly buildings" off the lakefront. Feels the 400' is excessive for a single family dwelling.

Sam Selwood stated it was an attempt to incorporate the spirit of the comprehensive plan into this PUD Law.

Jack Hessney stated it was basically a compromise reached between the Comp Plan and the boards. This would help promote development in the Town. He read from the Town survey results in regards to the Comprehensive plan. Asked who the survey was sent out to, Genesee Finger Lakes Regional Planning Council was hired by the Town to do the Comp Plan update. They used tax address labels to sent the survey, many residents told the clerk that they may have thrown the letter away due to the survey return address was GFLRPC not the Town of Torrey.

Noted concerns:

- Height Restriction,
- 400' Set back Restriction
- Performance Bon A+ Rating
- Mean High Water mark
- Primary Structure Definition
- Bi-secting Roads under Minimum Area Section 3 #1 ( " un-separated roads)

There being no others wising to speak for or in opposition of the Local Law, Mr. Flynn closed the hearing at 8:53PM.

Motion to adjourn made by Mr. Flynn, seconded Mr. Morris carried at 8:55 PM

Respectfully submitted

Betty M. Daggett